



General Assembly

January Session, 2015

Amendment

LCO No. 8195



Offered by:

REP. TONG, 147th Dist.
SEN. COLEMAN, 2nd Dist.
REP. REBIMBAS, 70th Dist.
SEN. KISSEL, 7th Dist.
REP. PORTER, 94th Dist.
REP. WALKER, 93rd Dist.
REP. LABRIOLA, 131st Dist.
REP. MILLER P., 145th Dist.
REP. MCCRORY, 7th Dist.
SEN. WINFIELD, 10th Dist.
SEN. GOMES, 23rd Dist.
SEN. MOORE, 22nd Dist.
SEN. FASANO, 34th Dist.
SEN. KANE, 32nd Dist.
REP. BUMGARDNER, 41st Dist.
SEN. LINARES, 33rd Dist.
REP. ADAMS, 146th Dist.
REP. ARCE, 4th Dist.
REP. BAKER, 124th Dist.

REP. BUTLER, 72nd Dist.
REP. CANDELARIA, 95th Dist.
REP. CUEVAS, 75th Dist.
REP. GONZALEZ, 3rd Dist.
REP. HEWETT, 39th Dist.
REP. MCGEE, 5th Dist.
REP. MORRIS, 140th Dist.
REP. ROJAS, 9th Dist.
REP. ROSARIO, 128th Dist.
REP. SANCHEZ, 25th Dist.
REP. SANTIAGO, 130th Dist.
REP. SANTIAGO, 84th Dist.
REP. STALLWORTH, 126th Dist.
REP. VARGAS, 6th Dist.
REP. LESSER, 100th Dist.
REP. ZIOBRON, 34th Dist.
REP. MINER, 66th Dist.
REP. MEGNA, 97th Dist.
REP. LEMAR, 96th Dist.

To: Subst. House Bill No. 7050

File No. 747

Cal. No. 491

"AN ACT CONCERNING THE JUVENILE JUSTICE SYSTEM."

1 Strike section 1 in its entirety and substitute the following in lieu

2 thereof:

3 "Section 1. Subsections (a) and (b) of section 46b-127 of the general
4 statutes are repealed and the following is substituted in lieu thereof
5 (*Effective October 1, 2015*):

6 (a) (1) The court shall automatically transfer from the docket for
7 juvenile matters to the regular criminal docket of the Superior Court
8 the case of any child charged with the commission of a capital felony
9 under the provisions of section 53a-54b in effect prior to April 25, 2012,
10 a class A felony, or a class B felony, except as provided in subdivision
11 (3) of this subsection, or a violation of section 53a-54d, provided such
12 offense was committed after such child attained the age of [fourteen]
13 fifteen years and counsel has been appointed for such child if such
14 child is indigent. Such counsel may appear with the child but shall not
15 be permitted to make any argument or file any motion in opposition to
16 the transfer. The child shall be arraigned in the regular criminal docket
17 of the Superior Court at the next court date following such transfer,
18 provided any proceedings held prior to the finalization of such transfer
19 shall be private and shall be conducted in such parts of the courthouse
20 or the building in which the court is located that are separate and apart
21 from the other parts of the court which are then being used for
22 proceedings pertaining to adults charged with crimes.

23 (2) A state's attorney may, at any time after such arraignment, file a
24 motion to transfer the case of any child charged with the commission
25 of a class B felony or a violation of subdivision (2) of subsection (a) of
26 section 53a-70 to the docket for juvenile matters for proceedings in
27 accordance with the provisions of this chapter.

28 (3) No case of any child charged with the commission of a violation
29 of section 53a-55, 53a-59b, 53a-71 or 53a-94, subdivision (2) of
30 subsection (a) of section 53a-101, 53a-112, 53a-122 or 53a-129b,
31 subdivision (1), (3) or (4) of subsection (a) of section 53a-134, section
32 53a-196c, 53a-196d or 53a-252 or subsection (a) of section 53a-301 shall
33 be transferred from the docket for juvenile matters to the regular

34 criminal docket of the Superior Court, except as provided in this
35 subdivision. Upon motion of a prosecutorial official, the superior court
36 for juvenile matters shall conduct a hearing to determine whether the
37 case of any child charged with the commission of any such offense
38 shall be transferred from the docket for juvenile matters to the regular
39 criminal docket of the Superior Court. The court shall not order that
40 the case be transferred under this subdivision unless the court finds
41 that (A) such offense was committed after such child attained the age
42 of fifteen years, (B) there is probable cause to believe the child has
43 committed the act for which the child is charged, and (C) the best
44 interests of the child and the public will not be served by maintaining
45 the case in the superior court for juvenile matters. In making such
46 findings, the court shall consider (i) any prior criminal or juvenile
47 offenses committed by the child, (ii) the seriousness of such offenses,
48 (iii) any evidence that the child has intellectual disability or mental
49 illness, and (iv) the availability of services in the docket for juvenile
50 matters that can serve the child's needs. Any motion under this
51 subdivision shall be made, and any hearing under this subdivision
52 shall be held, not later than thirty days after the child is arraigned in
53 the superior court for juvenile matters.

54 (b) (1) Upon motion of a prosecutorial official, the superior court for
55 juvenile matters shall conduct a hearing to determine whether the case
56 of any child charged with the commission of a class C, D or E felony or
57 an unclassified felony shall be transferred from the docket for juvenile
58 matters to the regular criminal docket of the Superior Court. The court
59 shall not order that the case be transferred under this subdivision
60 unless the court finds that (A) such offense was committed after such
61 child attained the age of [fourteen] fifteen years, (B) there is probable
62 cause to believe the child has committed the act for which the child is
63 charged, and (C) the best interests of the child and the public will not
64 be served by maintaining the case in the superior court for juvenile
65 matters. In making such findings, the court shall consider (i) any prior
66 criminal or juvenile offenses committed by the child, (ii) the
67 seriousness of such offenses, (iii) any evidence that the child has

68 intellectual disability or mental illness, and (iv) the availability of
69 services in the docket for juvenile matters that can serve the child's
70 needs. Any motion under this subdivision shall be made, and any
71 hearing under this subdivision shall be held, not later than thirty days
72 after the child is arraigned in the superior court for juvenile matters.

73 (2) If a case is transferred to the regular criminal docket pursuant to
74 subdivision (1) of this subsection or subdivision (3) of subsection (a) of
75 this section, the court sitting for the regular criminal docket may return
76 the case to the docket for juvenile matters at any time prior to a jury
77 rendering a verdict or the entry of a guilty plea for good cause shown
78 for proceedings in accordance with the provisions of this chapter."

79 Strike section 2 in its entirety and renumber the remaining sections
80 and internal references accordingly